

Honorable Robert S. Lasnik

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KING COUNTY and CITY OF
TACOMA, individually and on behalf of
others similarly situated,

Plaintiffs,

v.

TEVA PHARMACEUTICAL
INDUSTRIES, LTD., TEVA
PHARMACEUTICALS USA, INC., and
TEVA NEUROSCIENCE, INC.,

Defendants.

No. 2:21-cv-00477-RSL

**STIPULATED MOTION AND
ORDER REGARDING BRIEFING
SCHEDULE FOR MOTION TO
DISMISS FIRST AMENDED
COMPLAINT**

INTRODUCTION

Defendants Teva Pharmaceuticals USA, Inc. (“Teva Pharmaceuticals”), Teva Neuroscience, Inc. (“Teva Neuroscience”), and Teva Pharmaceutical Industries, Ltd., (“TPI”) (Teva Pharmaceuticals, Teva Neuroscience, and TPI collectively, “Defendants”) and Plaintiffs King County and City of Tacoma (collectively, “Plaintiffs”) seek this Court’s approval of a briefing schedule and enlarged page limitation for briefing on Defendants’ anticipated Motion to Dismiss Plaintiffs’ First Amended Complaint as set forth below.

BACKGROUND

Plaintiffs filed their putative class action Complaint against Defendants on April 8, 2021. *See* Complaint (Dkt. No. 1). Teva Pharmaceuticals and Teva Neuroscience were served with a summons and the Complaint shortly thereafter. *See* Dkt. Nos. 5-6. Following the Court's approval of a Stipulated Motion to Extend the Deadline for Teva Pharmaceuticals and Teva Neuroscience to respond to the Complaint, Teva Pharmaceuticals and Teva Neuroscience moved for leave to file an over-length Motion to Dismiss, which the Court granted on June 22, 2021. *See* Order Granting Defendants' Motion for Over-Length Brief (Dkt. No. 22).

Teva Pharmaceuticals and Teva Neuroscience filed their Motion to Dismiss on July 2, 2021. *See* Joint Motion to Dismiss (Dkt. No. 27). Shortly thereafter, Plaintiffs and Defendants stipulated to a briefing schedule on the Joint Motion to Dismiss, which the Court approved on July 7, 2021. *See* Order Regarding Briefing Schedule on Motion to Dismiss (Dkt. No. 29).

On or about July 6, 2021, a summons and the Complaint were served upon TPI in Tel Aviv, Israel. TPI believes that this Court lacks personal jurisdiction over it. Further, TPI wished to adopt the arguments made by Teva Pharmaceuticals and Teva Neuroscience in the Joint Motion to Dismiss. Given the pendency of the Joint Motion to Dismiss, the Parties proposed a briefing schedule for TPI's Motion to Dismiss. Under that briefing schedule, Plaintiffs would file an omnibus response to the Joint Motion to Dismiss and TPI's Motion to Dismiss and Defendants would file an omnibus reply in support of those motions. Further, the combined length of the Joint Motion to Dismiss and TPI's Motion to Dismiss and the length of Plaintiffs' omnibus response to those motions could be up to sixty (60) pages. This Court approved the Parties' Stipulated Motion Regarding Briefing on the Motions to Dismiss on July 22, 2021. *See* Order Regarding Briefing Schedule on Motions to Dismiss (Dkt. No. 38). TPI filed its Motion to Dismiss on August 30, 2021. *See* Dkt. No. 39.

After TPI's filing of its Motion to Dismiss, Plaintiffs elected to amend their Complaint under Fed. R. Civ. P. 15(a)(1)(B) and Fed. R. Civ. P. 15(a)(2). The Parties conferred and agreed

1 that the deadline for Plaintiffs to amend their Complaint should be extended to September 28,
 2 2021, and that upon filing of an amended Complaint the pending Motions to Dismiss should be
 3 denied as moot. The Parties stipulated to that effect, and the Court approved the Parties'
 4 stipulation on September 20, 2021. *See* Order Extending Deadline to Amend Complaint (Dkt.
 5 No. 43). Plaintiffs filed their First Amended Complaint (the "FAC") (Dkt. No. 45) on September
 6 28, 2021.

7 For the reasons set forth in Teva Pharmaceuticals and Teva Neuroscience's Motion for
 8 Over-length Brief (Dkt. No. 20) and because TPI intends additionally to move to dismiss for lack
 9 of personal jurisdiction, the Parties have conferred and agree that, subject to this Court's
 10 approval, additional pages should be granted and the briefing schedule should be enlarged for
 11 Defendants' anticipated Motion to Dismiss the FAC. The Parties propose that:

- 12 1. Defendants' Motion to Dismiss be filed no later than November 17, 2021,
 13 and that the page limitation be fifty-five (55);
- 14 2. Plaintiffs' Opposition to Defendants' anticipated Motion to Dismiss be
 15 filed no later than January 17, 2022, and that the page limitation be fifty-five (55); and
- 16 3. Defendants' Reply in Support of the Motion to Dismiss be filed no later
 17 than February 16, 2022, and that the page limitation be twenty-seven (27).

18 Additionally, as the Parties agreed in their Joint Status Report and Discovery Plan (Dkt.
 19 No. 19), the Parties believe that the deadline for Plaintiffs' anticipated Motion for Class
 20 Certification should not be set until after the Court resolves Defendants' anticipated Motion to
 21 Dismiss. The Parties believe good cause exists to extend the deadline for class certification
 22 under LCR 23(i)(3) due to the anticipated pendency of Defendants' Motion to Dismiss, the
 23 complexity of the transactions involved, and the size of the proposed class.

24 Accordingly, the Parties agree, subject to this Court's approval, to the following:
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STIPULATION

1. Defendants' Motion to Dismiss, not to exceed fifty-five (55) pages, shall be filed no later than November 17, 2021;

2. Plaintiffs' Opposition to Defendants' Motion to Dismiss, not to exceed fifty-five (55) pages shall be filed no later than January 17, 2022;

3. Defendants' Reply in Support of the Motion to Dismiss, not to exceed twenty-seven (27) pages, shall be filed no later than February 16, 2022;

4. Defendants' Motion to Dismiss shall be noted for Friday, February 18, 2022; and

5. Good cause—specifically the anticipated pendency of Defendants' Motion to Dismiss, the complexity of the transactions involved, and the size of the proposed class—exists to extend the deadline for Plaintiffs' Motion for Class Certification beyond the default deadline set forth in LCR 23(i)(3). Unless the Defendants' anticipated Motion to Dismiss results in dismissal of this case, the Parties are directed to meet and confer following the Court's resolution of that motion and submit a status report including a proposed case schedule (or schedules if agreement cannot be reached), including a deadline for the Class Certification Motion, within 30 days of this Court's resolution of Defendants' Motion to Dismiss.

DATED: October 4, 2021.

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12 *Pharmaceutical Industries, Ltd.*

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14 **ORDER**

15 IT IS SO ORDERED.

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17 DATED: October 5, 2021.

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19 Robert S. Lasnik
20 United States District Judge
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